IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 22.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.561 of 2006

Pattu ... Petitioner

Vs.

1.The State of Tamil Nadu, rep. by its
Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Magistrate and
District Collector,
Thiruvarur District,
Thiruvarur. .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the petitioner's daughter the detenu Anbu W/o late Sivaji, aged 37 years before this Court and now detained in Special Prison for Women, Tiruchy and set her at liberty and to call for the records pertaining to the order of the detention passed in C.O.C.No.11/2006 dated 03.06.2006 passed by the second respondent and set aside the same.

For Petitioner : Mr.T.Muruganantham
For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P. SATHASIVAM, J.)

The petitioner, who is the mother of the detenue by name Anbu, who is detained as a ''Bootlegger" as contemplated under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 03.06.2006, challenges the same in this Petition.

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2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel appearing for the petitioner, by taking us through the details furnished in paragraph 6 of the grounds of detention, has contended that the detaining authority having relied on various earlier cases said to have been involved by the detenue and in the absence of details, the detention order passed by him, cannot be sustained.

4. In order to appreciate the said contention, we have verified the relevant paragraph viz., para 6, which reads as under:

> "6. Previously in 2004 Tmt.Anbu had come to adverse notice of police in nine occasions in which she had acted in the manner prejudicial to the maintenance of Public Order and Public Health. Having arrived subjective satisfaction that she had been an incorrigible offender indulging in activities prejudicial to the Public Order and Public Health, the then District Magistrate and District Collector, Tiruvarur ordered the detention vide C.O.C.01/2004 dated 25.01.2004. Tmt. Anbu has been released from detention on 05.03.2004. Again she had come to adverse notice of police in five occasions. It is also seen that she evaded arrest and went absconding in a case. So I have no hesitation in arriving at the subjective satisfaction that Tmt.Anbu if let on bail and let to remain at large, she will indulge in similar activities prejudicial to the Public Order and Public Health."

5. As rightly pointed out, a reading of the above paragraph makes it clear that the detaining authority has passed the impugned detention order not only based on four adverse cases referred to in the earlier part of his order but also on the ground occurrence dated 14.05.2006 and various other earlier cases. In such circumstances, it is but proper on the part of the detaining authority to verify all those details and furnish copies of those particulars to the detenue. In the absence of those details, we are satisfied that the ultimate detention order

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passed by the detaining authority cannot be sustained. On this ground, the detention is liable to be quashed and accordingly, the same is quashed.

6. The Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government, State of Tamil Nadu, Prohibition
and Excise Department, Fort St. George, Chennai-600 009.

2.The District Magistrate and District Collector, Thiruvarur District, Thiruvarur.

3. The Superintendent, Special Prison for Women, Tiruchirappalli.
(In duplicate for communication to detenue)

4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

TS(CO)
NM(29.08.2006)

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